

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/726,341	Confirmation No.:	9027
Applicant	:	Philip C. Georgeau et al.		
Filed	:	December 3, 2003		
TC/A.U.	:	3633		
Examiner	:	Jeanette E. Chapman		
Docket No.	:	CHE020 P304A		
Customer No.	:	000,277		

REPLY UNDER 37 C.F.R. §1.111

Dear Sir:

Reconsideration of the application is respectfully requested.

In the Office Action dated September 10, 2008, claims 1-2 and 4-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zenor U.S. Patent No. 5,447,006 in view of Venable U.S. Patent No. 4,996,812 in view of Georgeau et al. U.S. Patent No. 6,579,924; claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Zenor '006 in view of Venable '812; claims 8-14, 17-22, and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Venable '812 in view of Georgeau et al. '924 and further in view of Van Wagoner U.S. Patent No. 4,719,723; claims 15-16 and 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Venable '812 in view of Georgeau et al. '924 and Van Wagoner '723 and further in view of Beck U.S. Patent No. 4,498,267; and claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Venable '812 in view of Georgeau et al. '924 and Van Wagoner '723 as applied to claim 21 and further in view of Naipawer II.

As an initial matter, Applicant notes that in rejecting claims under 35 U.S.C. §103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), viz., (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. “[T]he examiner bears the initial burden, on review of the prior art or